TRS User Registration Database

Key Concerns and Issues

Executive Summary

In accordance with the 2013 VRS Reform Order, the FCC has selected Rolka Loube (RL) to be the TRS User Registration Database (TRS-URD) developer and administrator. As part of the development and implementation process, several schema and policy decisions have been made that are inconsistent with the underlying goals and objectives of the June 2013 Order. Moreover, these decisions would result in significant negative impacts to both consumers and providers, and the loss of critical VRS service to many users who rely on it.

Specifically, the current implementation of the TRS-URD presents the following immediate and future risks:

- Only partially resolves the requirements of a single unique IDs for each TRS user, and thus does not resolve a single registration per user.
- Inability for providers to place a "call back" call to a disconnected 911 call from newly registered, or possibly unregistered devices
- Potential scenarios where newly registered or ported customers are unable to place VRS calls, via their new default provider, for a delayed period of time
- Strengthening the competitive advantage of the dominant provider that has far more employee and funding resources to retain their customer base in the URD and the consequences of a disincentive to port due to the additional paperwork and time required by URD.

A Single Unique ID for Each User: At the heart of the 2013 VRS Reform Order was the goal of creating a user registry in which each individual user of TRS services would be assigned a single unique ID. The purposes of this goal were to: 1) eliminate administrative burden on consumers and providers, 2) protect consumer privacy by reducing repeated identity verifications, 3) increase portability between providers (and thus, market competition), and 4)

provide the Commission with a single, non-duplicative, master database of the consumers being served by the TRS Fund. While we applaud RL's move towards populating the TRS URD with a single ID per user, it appears that RL has taken the single ID theory only partially there. The TRS-URD will require users to register separately with each TRS provider they want to use. As such, the current design does not meet all of the expected goals of the 2013 VRS Reform Order. As it's being deployed, the TRS-URD does not 1) eliminate administrative burden on consumers and providers, 2) protect consumer privacy by reducing repeated identify verifications, 3) increase portability between providers (and thus, market competition). It would appear that RL has, for the most part, met the 4th criteria and will be providing the Commission with a single, non-duplicative, master database of consumers being served by the TRS Fund. This design decision by RL to require separate provider registration runs directly counter to the goals of the 2013 VRS Reform Order, is inconsistent with the Commissions own question 10 guidance to consumers within the TRS User Registration Database FAQs section of the FCC's website (https://www.fcc.gov/general/trs-user-registration-database-faqs-asl-video), and promises to perpetuate some of the very challenges that the Order was written to address. The RL procedures will result in invasive impacts to consumers' privacy, limitations on consumer choice and market competition, and potentially deny the Commission the clarity it was seeking as to the population served by TRS services and TRS Fund.

911 Call Handling for Non-Registered or Newly Registered devices: While this will not be an issue upon launch of the TRS-URD, unless there are changes to the plans around how Neustar and the TRS-URD sync data and process call routing, there could be scenarios where either newly registered users or unregistered devices will be unable to receive call backs from their VRS provider if their 911 call disconnects during the call. For providers to be unable to place a call-back to these users is inconsistent with 64.605, specifically section (a)(2)(v).

Delays in Usability for Ported and Newly Registered Users: Due to the current design schema regarding updates to the TRS-URD and Neustar, there could be a delay ranging from hours to several days where newly registered users, or ported users, would be able to place and/or receive calls.

Lack of a Refresh in FCC Communications to Consumers: In prior meetings about URD, the FCC acknowledged the need to remind VRS users that they not be eligible to use the service if they are not registered for the URD. It is imperative that this reminder occur before the URD window opens and is communicated in ASL. The URD registration requirement is one that the FCC has established for VRS users, not VRS providers. Accordingly, the FCC should treat the transition to URD as it has for the transition to ten-digit numbering, by working directly with VRS users to ensure that they understand the requirement, the consequences of not being registered for URD and providing appropriate time for their transition rather than making their URD registration a provider liability.

Failure to Assign a "Single" Unique ID for Each User

In the 2013 VRS Reform Order, the Commission provided that the "TRS-URD shall assign a unique identifier to each user in the TRS-URD," and codified that requirement in its rules.[1] The Commission further clarified this concept by stating "when registering a user that is transferring service from another VRS provider, VRS providers shall obtain and submit a properly executed certification [of eligibility] if a query of the TRS-URD shows a properly executed certification *has not been filed*."[2] And, the Commission amended Rule Section 64.611 to include that exact same language.[3]

Moreover, the Commission explicitly pointed to this feature in the Final Regulatory Flexibility Act submission supporting the 2013 VRS Reform Order, stating not once, but twice, that the use of a unique TRS-URD identifier would reduce burdens on providers "when collecting information from users who switch providers, because the user information of those

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[1] *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Servicers and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 & 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82, ¶73 (June 10, 2013) (*2013 VRS Reform Order*) (emphasis added); 47 C.F.R. §64.615(a)(2).

[2] *2013 VRS Reform Order* ¶82.

[3] *2013 VRS Reform Order*, Appendix A – Final Rules, amending 64.611 (a)(3)(ii)(B)(vi).

consumers is already in the database."[4]

While RL has recently adopted a semi-single ID schema, there is no current design or intent of the TRS-URD to address the previously stated goals. In other words, the way the TRS-URD is being developed will force consumers to go through a complete registration process for each provider they wish to register with and each of those providers will be forced to collect the consumers highly-sensitive Personally Identifiable Information (PII), resulting in the following:

- Forcing Consumers to obtain a different identifying number for each provider is difficult, frustrating and unnecessary for Consumers. It is a significant and unnecessary burden to require users to separately validate with each provider with which the user registers, rather than allowing the user to submit this information and be validated once under a single unique identifier – as anticipated by the Commission in 2013.
- Imposing a cumbersome and difficult process on consumers will hurt competition, contrary to the Commission's stated goals of increasing competition in the VRS Marketplace. By forcing consumers to undertake a separate, duplicative validation process to switch providers, those consumers will be deterred from changing providers in the future, thus limiting the ability of smaller providers to compete in the marketplace.
- Requiring multiple redundant enrollments each requiring the repeated submission of highly-sensitive information increases security risks. The current design of the TRS-URD creates unnecessary data privacy and security risks, because it would require a significant number of users to submit highly sensitive information and documents (such as a birth certificate, tax documents, or a passport) to customer service agents at multiple providers. Such a design of the TRS-URD multiplies the number of times this information is collected and increases the number of locations this information is stored and creates numerous ways for the information to be illegally accessed. If RL as TRS-URD Administrator would retain the validation documents, this vulnerability could be greatly reduced.
- In RL's updated TRS-URD instructions, released on approximately 6/1/2016, RL has added a risk code of "IE" for users previously designated as ineligible by a provider. It could be argued that if a provider flags a user as "IE", that information should be shared with other providers. For example, if Provider A has determined that a person who

[4] *2013 VRS Reform Order*, Appendix B – Final Regulatory Flexibility Analysis, ¶¶12, 23 (emphasis added).

registered for VRS is ineligible for the service (i.e. they are found out to be hearing), RL will flag that provider's unique ID for that consumer as ineligible. However, because there is no link between Provider A's consumer ID for that individual and those of other providers who might have registered the same individual, only Provider A will be aware of the fact the user is ineligible, while other Providers could potentially continue processing VRS calls for that individual. This situation could result in the Fund paying for calls from a user who was deemed "ineligible" by one provider, as the other providers were never made aware of this discovery. Additionally, this places the providers at risk for processing VRS calls from an individual that was flagged as "ineligible". Based on prior Enforcement Bureau actions, what would prevent either the EB, or RL, from penalizing providers for processing calls from this individual.

911 Call Handling for Non-Registered or Newly Registered devices

At this time, there is not a mechanism in place in the event a 911 call occurs from a newly registered user not yet assigned a URDID or unregistered device not assigned to a user with a URDID, for a call back, from the Public Safety Access Point ("PSAP"), to be processed. All VRS Providers today have mechanisms in place to ensure a call back from anyone who called 911 can receive a call back from the PSAP. The changes by Neustar, in the iTRS database, to the ENUM Query and the newly added All Call Query ("ACQ") must allow for support call backs from the 911 PSAP. For providers to be unable to place a call-back to these users is inconsistent with 64.605, specifically section (a)(2)(v).

Delays in Usability for Ported and Newly Registered Users:

At this time, RL has no mechanism to provide real-time updates to Neustar. RL is planning to push updates and new records to Neustar twice daily Monday – Friday. Based on the current schedule proposed by RL, this mean that between 2 PM EST on Friday until 10 AM EST Monday, no new records will be input into the iTRS database. There will be a gap everyday where records are not updated from 3 PM EST until 10 AM EST the next day. As we the smaller Providers know from experience, this will absolutely be used as a scare tactic with consumers stating that if they port from another Provider they will no longer be able to make calls for

hours or even days. Additionally, this has the potential to impact call back attempts on 911 calls.

We must have real-time updates in place where Providers provide real-time updates to the TRS-URD database, verification occurs real-time with Lexis Nexis, and that valid records are input into the iTRS database real-time.